

Javier L. Merino, Esq.  
THE DANN LAW FIRM  
1520 US 130, Ste. 101  
North Brunswick, NJ 08902  
Phone: (201) 355-3440  
Fax: (216) 373-0536  
*jmerino@dannlaw.com*  
*Counsel for Plaintiffs and the putative class*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
JOSEPH WOLF, CARMEN WOLF,  
ON BEHALF OF THEMSELVES AND THOSE  
SIMILARLY SITUATED,

Plaintiffs,

v.

DOLGEN NEW YORK, LLC D/B/A DOLGEN,

Defendant.  
----- X

: Case No. 7:23-cv-00558 (PMH)

:  
:  
: **DECLARATION OF JAVIER L.**  
: **MERINO IN SUPPORT OF**  
: **JOSEPH WOLF AND CARMEN**  
: **WOLF'S OPPOSITION TO**  
: **DOLGEN NEW YORK LLC'S**  
: **MOTION FOR SUMMARY**  
: **JUDGMENT**

I, Javier L. Merino, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a partner with The Dann Law Firm, attorneys for Plaintiffs Joseph Wolf, Carmen Wolf, and the putative class (the “Wolfs” or Plaintiffs”). As counsel for the Wolfs, I am admitted to practice law before this court, and I am familiar with the pleadings, facts, and circumstances in this action. I submit this declaration in support of the Wolfs’ Opposition to Defendant Dolgen New York, LLC’s (“Dollar General”) Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56 and Local Civil Rule 56.1.

2. Attached as **Exhibit 1** is a true and correct copy of an excerpt of Dollar General’s data reflecting all transactions at its White Lake Dollar General store on September 18, 2022, produced by Dollar General during discovery in this matter, Bates Stamped number DG\_WOLF\_0001764.

3. Attached as **Exhibit 2** is a true and correct copy of excerpts of internal Dollar General correspondences, produced by Dollar General during discovery in this matter, Bates Stamped number DG\_WOLF\_0010059, 0034843.

4. Attached as **Exhibit 3** is a true and correct copy of the Errata Sheets for Joseph Wolf’s and Carmen Wolf’s depositions in the above-captioned litigation.

5. Attached as **Exhibit 4** is a true and correct copy of internal scripts prepared by a Dollar General District Manager on or about January 24, 2023, and by Mia Savajola, the Sr. Director of Compliance and Communications at Dollar General, produced by Dollar General during discovery in this matter, Bates Stamped number DG\_WOLF\_0017370-71 and DG\_WOLF\_0011318-0011332.

6. Attached as **Exhibit 5** is a true and correct copy of various customer complaints submitted to Dollar General regarding overcharging, produced by Dollar General during discovery

in this matter, Bates Stamped number DG\_WOLF\_ 0003282-84, 000301-302, 000315-317, 000319, 000337-40, 0003349, 000362-63, 0003368-69, 0003372, 0003380, 0003392-6, 0003403, 0003410-11, 0003456, 0003491, 0003509, 0003576-77, 0003587-91, 0003606-7, 0003650, 0040902-4, 0041083, 0041216-7, 0041278-80, 0041335.

7. Attached as **Exhibit 6** are a compilation of overcharge-related government audits Dollar General failed during the class period. Some of the audits were obtained by the Wolfs through OPRA requests and subpoenas, and they are Bates Stamped as Schenectady\_001-359 and Montgomery\_001-014. Some were produced by the Wolfs in discovery, and they are Bates Stamped Wolf\_00103-1758. The rest were produced by Dollar General during discovery, and they are Bates Stamped DG\_WOLF\_0003860-3,

8. Attached as **Exhibit 7** are Dollar General's Point of Sale Manuals, produced by Dollar General during discovery in this matter, Bates Stamped number DG\_WOLF\_0003203-3216, 0002668-2793.

9. Attached as **Exhibit 8** are true and accurate copies of documents related to legal proceedings commenced by various state agencies against Dollar General regarding Dollar General overcharging its customers. They include: (1) a lawsuit filed by the Missouri Attorney General against Dollar General in September 2023; (2) a press release by the New Jersey Attorney General's office announcing a \$1.2 million dollar settlement; (3) a lawsuit filed by the Ohio Attorney General against Dollar General in November 2022; (4) a subsequent settlement entered into between the Ohio Attorney General and Dollar General in February 2023; and (5) a press release by the Vermont Attorney General's office in 2019 announcing a \$1.75 million dollar settlement; and (6) a press release by the Wisconsin Department of Agriculture, Trade and Consumer Protection announcing a \$850,000.00 settlement with Dollar General.

10. Attached as **Exhibit 9** is a true and accurate copy of a presentation prepared by

McKinsey and Company for Dollar General on or around March 2023, produced by McKinsey during discovery in this matter, Bates Stamped number McKinsey-Wolf-000681-92.

11. Attached as **Exhibit 10** is a true and correct copy of the April 19, 2024 deposition transcript of Sunil Sajnani conducted in the above-captioned litigation.

12. Attached as **Exhibit 11** is a true and correct copy of the April 19, 2024 deposition transcript of Brian Haug conducted in the above-captioned litigation.

13. Attached as **Exhibit 12** is a true and correct copy of various internal emails exchanged amongst Dollar General personnel, produced by Dollar General during discovery in this matter, Bates Stamped number DG\_WOLF\_0020086 -3216, 0002668-2793.

14. Attached as **Exhibit 13** is a true and correct copy of an excerpt of data containing the results of Dollar General's failed Quarterly Store Visits and Store Compliance Visits, produced by Dollar General during discovery in this matter, Bates Stamped number DG\_WOLF\_0020168.

15. Attached as **Exhibit 14** is a true and correct copy of an excerpt of data containing comments from Dollar General's failed Quarterly Store Visits and Store Compliance Visits at its White Lake Store, produced by Dollar General during discovery in this matter, Bates Stamped number DG\_WOLF\_0020167.

16. Attached as **Exhibit 15** is a true and correct copy of excerpts of data from Dollar General's "Hershey Audit" produced by Dollar General during discovery in this matter, Bates Stamped number DG\_WOLF\_0020228.

I declare under penalty of perjury under the laws of the United States of America, and pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on this 14th day of June, 2024, in North Brunswick, New Jersey.

s/ Javier L. Merino  
Javier L. Merino